

## **REGULATION RESPECTING CERTAIN TRANSITIONAL MEASURES IN RESPECT OF THE APPLICATION OF THE ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES**

An Act respecting the distribution of financial products and services  
(S.Q. 1998, c.-37, s. 577)

**1.** A natural person who, between 20 July 1999 and 30 September 30 1999, becomes the holder of a certificate issued pursuant to the *Act respecting market intermediaries* (R.S.Q., c. I-15.1) is entitled, if he makes an application to the Bureau des services financiers therefor prior to 1 April 2000, to be issued a certificate corresponding to the certificate obtained, unless such certificate is a certificate set out in paragraphs 1 and 2 of section 1 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons, approved by order in council number 1014-91 of 17 July 1991 or paragraph 1 of section 1 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance, approved by order in council number 1015-91 of 17 July 1991.

**2.** A natural person who, between 20 July 1999 and 30 September 1999, becomes the holder of a certificate of a market intermediary in insurance of persons issued pursuant to the *Act respecting market intermediaries* is entitled, if he makes an application to the Bureau therefor prior to 1 April 2000, to be issued a certificate authorizing him to act as a representative in insurance of persons and as a representative in group insurance of persons, unless the certificate obtained is a certificate contemplated in paragraphs 1 and 2 of section 1 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in insurance of persons.

**3.** A natural person who, between 20 July 1999 and 30 September 1999, obtains a registration as a representative of a dealer with a restricted practice broker in group saving plans, investment contracts or scholarship plans pursuant to the Securities Act (R.S.Q., c. V-1.1) is entitled, if he makes an application to the Bureau prior to 1 April 2000, subject to the same conditions and restrictions, to be issued a certificate corresponding to his registration.

**4.** A natural person who, between 20 July 1999 and 30 September 1999, obtains a diploma in financial planning issued by the Institut québécois de planification financière is entitled, if it makes an application to the Bureau therefor prior to 1 April 2000, to be issued a certificate authorizing him to use the title of financial planner.

**5.** A person referred to in sections 1 to 4 who, between 20 July 1999 and 30 September 1999, is under a suspension, shall remain suspended in the same manner.

**6.** A natural person who, between 20 July 1999 and 30 September 1999, passes the examination contemplated in paragraph 9 of section 1 of the Regulation of the Association des intermédiaires en assurance de personnes du Québec, approved by order in council number 1016-91 of 17 July 1991 and an examination contemplated in paragraph 4 or 5 of section 5 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons is entitled, if he makes an application to the Bureau therefor prior to 1 April 2000, to be issued an attestation of training in the sector or a sector class corresponding to the examinations passed in accordance with the regulation of the Bureau made pursuant to paragraph 3 of section 200 of the *Act respecting the distribution of financial products and services* (1998, c. 37).

**7.** A natural person who, between 19 July 1999 and 30 September 1999, passes an examination contemplated in paragraph 2 of section 10 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance and, as the case may be, passes the examination set out in paragraph 9 of section 1 of the Regulation of the Association des courtiers d'assurances de la province de Québec, approved by order in council number 1017-91 of 17 July 1991 is entitled, if he makes an application to the Bureau therefor prior to 1 April 2000, to be issued a training attestation in the sector or a sector class corresponding to the examinations passed, in accordance with the Regulation of the Bureau made pursuant to paragraphs 1 and 3 of section 200 of such Act.

**8.** The holder of a certificate contemplated in paragraphs 1 and 2 of section 1 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons who, on 19 July 1999, has satisfactorily completed a training period lasting at least three months, in accordance with subparagraph *a* of paragraph 3 of section 13 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons is entitled, if he makes an application to the Bureau therefor prior to 1 April 2000 by providing an attestation from his training supervisor in such regard to the Bureau and if he passes the examination set out in subparagraph *b* or *c* of paragraph 3 of section 13 of such regulation, to be issued a representative's certificate in the sector or a sector class corresponding to the sector or sector class in which the training was conducted in accordance with the regulation of the Bureau made pursuant to paragraph 3 of section 200 of such Act.

**9.** The holder of a certificate contemplated in paragraph 1 of section 1 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance who, on 1 October 1999, has satisfactorily completed a training period lasting at least 90 hours or 180 hours, as the case may be, in accordance with subparagraphs *a* to *d* of paragraph 2 of section 20 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance, is entitled, if he makes an application to the Bureau therefor prior to 1 April 2000 by providing an attestation from his training supervisor in such regard, to be issued a certificate as a representative in the sector or a sector class corresponding to the sector or sector class in which the training was conducted.

**10.** The holder of a certificate contemplated in paragraphs 1 and 2 of section 1 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons who, on 1 October 1999, has not completed a training period lasting at least three months is entitled, at no expense, if he makes an application to the Bureau therefor prior to 1 April 2000, to be issued a training attestation in the sector or a sector class corresponding to the sector or sector class in which the training began in accordance with the regulation of the Bureau made pursuant to paragraph 3 of section 200 of such Act.

**11.** The holder of a certificate contemplated in paragraph 1 of section 1 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance who, on 1 October 1999, has not completed a training period lasting at least 90 hours or 180 hours, as the case may be, is entitled, at no expense, if he makes an application to the Bureau therefor prior to 1 April 2000, to be issued a training attestation in the sector or a sector class of damage insurance or in the sector or a sector class of claims adjustment corresponding to the sector or sector class in which the training began in accordance with the regulation of the Bureau made pursuant to paragraph 3 of section 200 of such Act.

**12.** When issuing a first certificate to a person contemplated in sections 1, 3, 8 and 9, the Bureau shall grant a reduction of the fees payable computed on a monthly basis to take into account the fees that such person has already paid for the period subsequent to the period in which such certificate takes effect.

**13.** A person who has been issued a training attestation pursuant to sections 6 and 10 shall, to obtain a representative's certificate in the sector or sector class in which the training was conducted, pass the examination set out in subparagraph *b* or *c* of paragraph 3 of section 13 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons.

**14.** A person who, between 20 July 1999 and 30 September 1999, fails an examination contemplated in paragraph 4 or 5 of section 5 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons, an examination contemplated in paragraph 2 of section 10 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance, an examination contemplated in paragraph 9 of section 1 of the Regulation of the Association des intermédiaires en assurance de personnes du Québec, or an examination contemplated in paragraph 9 of section 1 of the Regulation of the Association des courtiers d'assurances de la province de Québec may, if he makes an application to the Bureau therefor prior to 1 April 2000, register for the examinations corresponding to the examinations set out in the regulation of the Bureau made pursuant to paragraph 1 of section 200 of such Act.

**15.** A person who, between 20 July 1999 and 1 July 2000, fails an examination contemplated in subparagraph *b* or *c* of paragraph 3 of section 13 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons may, if he makes an application to the Bureau therefor within three months of the failure, register for a supplemental examination with the Bureau.

**16.** A person whose work experience has been recognized in accordance with subparagraph *ii* of subparagraph *b* of paragraph 2 of section 5 of the Regulation of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons or subparagraph *ii* of paragraph 1 of section 10 of the Regulation of the Conseil des assurances de dommages respecting market intermediaries in damage insurance prior to 1 October 1999 may, within six months following the date of recognition, register for the examinations prescribed by the regulation of the Bureau made pursuant to paragraph 1 of section 200 of such Act.

**17.** Upon the registration of a firm which, between 19 July 1999 and 30 September 1999, has already paid fees to act as a market intermediary or a restricted practice broker, the Bureau shall grant a reduction of the fees payable computed on securities a monthly basis to take into account the fees which such legal person has already paid for the period subsequent to the period during which the registration takes effect.

**18.** The Inspector General of Financial Institutions and the Commission des valeurs mobilières du Québec shall remit to the Bureau the amounts corresponding to the fee reductions granted by the Bureau in respect of previously paid fees pursuant to sections 12 and 17.

The sums required to enable the Inspector General of Financial Institutions to fulfil the requirements of the first paragraph shall be taken out of the consolidated revenue fund.

**19.** Upon the registration of an independent partnership which, on 30 September 1999, has already paid fees to act as a market intermediary, the Bureau shall grant a reduction of the fees payable computed on a monthly basis to take into account the fees which such independent partnership has already paid for the period subsequent to the period during which the registration takes effect.

**20.** In addition to the requirements set out in the *Act respecting the distribution of financial products and services* and the regulations made thereunder, a multi-sector firm contemplated in paragraph 1 of section 549 of such Act, when it carries on activities in the sector of real estate brokerage, is governed, taking into account the necessary adaptations, by the provisions of the *Act respecting real estate brokerage* (R.S.Q., c. C-73.1) and the regulations made thereunder in respect of:

(1) the establishment and maintenance of a trust account, set out in sections 11 and 12 of the *Act respecting real estate brokerage* and sections 108 to 126 of the Regulation of the Association des courtiers et agents immobiliers du Québec, approved by order in council number 1865-93 of 15 December 1993;

(2) the manager of a place of business, set out in sections 13 and 14 of the Act respecting real estate brokerage and section 80 of the Regulation of the Association des courtiers et agents immobiliers du Québec;

(3) certain disclosure obligations, set out in sections 22 to 24 of the Act respecting real estate brokerage and sections 81 to 84 of the Regulation of the Association des courtiers et agents immobiliers du Québec;

(4) the advertising, representations and customer solicitation, set out in sections 29 to 31 of the Act respecting real estate brokerage and sections 102, 103 and 107 of the Regulation of the Association des courtiers et agents immobiliers du Québec;

(5) certain real estate brokerage contracts, set out in sections 32 to 43 of the Act respecting real estate brokerage and sections 75 to 79 of the Regulation of the Association des courtiers et agents immobiliers du Québec;

(6) the compulsory forms, set out in sections 26 and 27 of the Regulation made under the Act respecting real estate brokerage, issued by order in council number 1863-93 of 15 December 1993, and sections 85 to 100 of the Regulation of the Association des courtiers et agents immobiliers du Québec;

(7) the records, books and registers, set out in sections 130 to 137 of the Regulation of the Association des courtiers et agents immobiliers du Québec.

For the application of this section, such multi-sector firm is considered to be a real estate broker holding a certificate issued by the Association des courtiers et agents immobiliers du Québec.

**21.** This regulation comes into effect on 19 July 1999.